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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,730	11/13/2003	Matthew Dobson	AUS920030331US1	2685

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EXAMINER
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HAMMOND III, THOMAS M

ART UNIT	PAPER NUMBER
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3691

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08/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/713,730

Applicant(s)

DOBSON ET AL.

Examiner

Thomas M. Hammond III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/13/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/13/2003, 05/23/2005.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the application filed on 11/13/2003.
2. Claims 1-20 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statements filed 11/13/2003 and 05/23/2005 have been considered.  
Initialed copies of the Form 1449 are enclosed herewith.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

5. Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a computer program code. Computer program code, per se, is not considered patent eligible subject matter under the current guidelines of 35 U.S.C. 101. In order for claims 19 and 20 to be considered patent eligible subject matter, the computer program must be tangibly embodied on a computer readable medium and executable on a computer to perform the method steps. Claims 19 and 20, as recited, are not tangibly embodied on a computer readable medium and executable on a computer to perform the method steps.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

7. A person shall be entitled to a patent unless –

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

8. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by *Silver, US Patent Publication No. US 2005/0043996 A1*.

#### **As per claim 1**

##### ***Silver teaches:***

- Presenting a set of items for a bill for which payment is required (see at least page 4, paragraph 47)
- Receiving user input identifying items from the set of items for payment by a particular person to form identified items (see at least pages 4-5, paragraphs 56-59)
- Processing payment for the identified items (see at least pages 4-5, paragraphs 56-59)
- Repeating the receiving and processing steps until all items in the set of items have been identified for payment (see at least pages 4-5, paragraphs 56-59)

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**As per claim 2**

***Silver teaches the method of claim 1, as described above.***

***Silver further teaches:***

- Wherein the processing step comprises: receiving credit card information from the particular person (see at least page 4, paragraph 48)

**As per claim 3**

***Silver teaches the method of claim 2, as described above.***

***Silver further teaches:***

- Wherein the credit card information is obtained from a magnetic strip on a credit card (see at least page 4, paragraph 48)

**As per claims 4-6**

***Silver teaches the method of claim 1, as described above.***

***Silver further teaches:***

- Wherein the data processing system is selected from one of a personal digital assistant or a tablet personal computer (see at least page 2, paragraphs 27-28)
- Wherein the bill is a restaurant bill (see at least page 2, paragraph 32)
- Wherein the data processing system processes the payment by sending payment information to a server data processing system in communication with the data processing system (see at least page 4, paragraphs 48-49)

**As per claim 7**

***Silver teaches the method of claim 6, as described above.***

***Silver further teaches:***

- Wherein the data processing system is in communication with the server data processing system using a wireless communications link (see at least page 2, paragraph 28)

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**As per claim 8**

***Silver teaches:***

- Presenting the plurality of items on a graphical user interface (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Receiving user input, selecting items from the plurality of items on the graphical user interface, to group the plurality of items into a set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Processing payment of the set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)

**As per claim 9**

***Silver teaches:***

- Presenting means for presenting a set of items for a bill for which payment is required (see at least page 4, paragraph 32)
- Receiving means for receiving user input identifying items from the set of items for payment by a particular person to form identified items (see at least pages 4-5, paragraphs 56-59)
- Processing means for processing payment for the identified items (see at least pages 4-5, paragraphs 56-59)
- Repeating means for repeating initiation of the receiving means and processing means until all items in the set of items have been identified for payment (see at least pages 4-5, paragraphs 56-59)

**As per claim 10**

***Silver teaches the system of claim 9, as described above.***

***Silver further teaches:***

- Wherein the processing means comprises: means for receiving credit card information from the particular person (see at least page 4, paragraph 48)

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**As per claim 11**

***Silver teaches the system of claim 10, as described above.***

***Silver further teaches:***

- Wherein the credit card information is obtained from a magnetic strip on a credit card (see at least page 4, paragraph 48)

**As per claims 12-14**

***Silver teaches the system of claim 9, as described above.***

***Silver further teaches:***

- Wherein the data processing system is selected from one of a personal digital assistant or a tablet personal computer (see at least page 2, paragraphs 27-28)
- Wherein the bill is a restaurant bill (see at least page 2, paragraph 32)
- Wherein the data processing system processes the payment by sending payment information to a server data processing system in communication with the data processing system (see at least page 4, paragraphs 48-49)

**As per claim 15**

***Silver teaches the system of claim 14, as described above.***

***Silver further teaches:***

- Wherein the data processing system is in communication with the server data processing system using a wireless communications link (see at least page 2, paragraph 28)

**As per claim 16**

***Silver teaches:***

- Presenting means for presenting the plurality of items on a graphical user interface (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)



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- Receiving means for receiving user input, selecting items from the plurality of items on the graphical user interface, to group the plurality of items into a set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Processing means for processing payment of the set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)

**As per claim 17**

***Silver teaches:***

- A bus system (see at least page 2, paragraph 22)
- A memory connected to the bus system, wherein the memory includes a set of instructions (see at least page 2, paragraph 22)
- A processing unit connected to the bus system (see at least page 2, paragraph 22)
- Wherein the processing unit executes the set of instructions to
  - o Present a set of items for a bill for which payment is required (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
  - o Receive user input identifying items from the set of items for payment by a particular person to form identified items (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
  - o Process payment for the identified items (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
  - o Repeat the instructions to receive and to process until all items in the set of items have been identified for payment (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)

**As per claim 18**

***Silver teaches:***

- A bus system (see at least page 2, paragraph 22)

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- A memory connected to the bus system, wherein the memory includes a set of instructions (see at least page 2, paragraph 22)
- A processing unit connected to the bus system (see at least page 2, paragraph 22)
- Wherein the processing unit executes the set of instructions to
  - o To present the plurality of items on a graphical user interface (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
  - o Receive user input, selecting items from the plurality of items on the graphical user interface, to group the plurality of items into a set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
  - o Process payment of the set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)

**As per claim 19**

***Silver teaches:***

- First instructions for presenting a set of items for a bill for which payment is required (see at least page 4, paragraph 47)
- Second instructions for receiving user input identifying items from the set of items for payment by a particular person to form identified items (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Third instructions for processing payment for the identified items (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Fourth instructions for repeating initiation of the second instructions and third instructions until all items in the set of items have been identified for payment (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)

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**As per claim 20**

***Silver teaches:***

- First instructions for presenting the plurality of items on a graphical user interface (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Second instructions for receiving user input, selecting items from the plurality of items on the graphical user interface, to group the plurality of items into a set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)
- Third instructions for processing payment of the set of accounts (see at least pages 2-3, paragraph 32; pages 4-5, paragraphs 56-59)

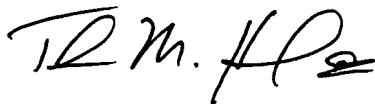
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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas M Hammond III

Patent Examiner

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08-27-2007



Stefanos Kermis